	Case 2:10-cv-01808-PMP -RJJ Do	ocument 4	Filed 12/09/10	Page 1 of 2
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5	UNITED STATES DISTRICT COURT			
6	DISTRICT OF NEVADA			
7	* * *			
8	LEVERN ALLEN,)		
9	Plaintiff,)	2:10-cv-1808-PN	ſP-RJJ
10	vs.)		
11 12	YOUR BABY CAN LLC, et al.,)))	OF UNIT	RECOMMENDATION ED STATES
13	Defendant,)	MAGIST	RATE JUDGE
14	This matter was referred to the undersigned Magistrate Judge on an Application to			
15	Proceed in District Court Without Prepaying Fees or Costs (#1) and the proposed complaint			
16	attached thereto.			
17 18	The Court having reviewed this matter makes the following findings:			
19	1. On October 26, 2010, the court issued an Order (#2) scheduling a status hearing			
20	for November 18, 2010.			
21	2. Notice of the hearing was served on the Plaintiff by certified mail. <i>See</i> , Certified			
22	Mail Receipt (#3).			
23	3. The certified Letter was delivered and signed for by Plaintiff or his designated			
24	representative on October 28, 2010, pursuant to the United States Postal Service			
25	tracking system.			
26	4. Plaintiff failed to appear for the status hearing on November 18, 2010. Further,			
27	Plaintiff failed to contact the court to reschedule said hearing or to provide the			
28	court with a reason for his non-appearance.			

5. 1 It appears that Plaintiff has abandoned this litigation. 2 RECOMMENDATION 3 Based on the foregoing and good cause appearing therefore, IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be 4 5 DISMISSED WITH PREJUDICE. **NOTICE** 6 7 Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and 8 Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days 9 after service of this Notice. The Supreme Court has held that the courts of appeal may determine 10 that an appeal has been waived due to the failure to file objections within the specified time. 11 Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has also 12 held that (1) failure to file objections within the specified time and (2) failure to properly address 13 and brief the objectionable issues waives the right to appeal the District Court's order and/or 14 appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983). 15 16 DATED this 9th day of December, 2010. 17 18 19 United States Magistrate Judge 20 21 22 23 24 25 26 27 28